

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: DEALER MANAGEMENT
SYSTEMS ANTITRUST LITIGATION**

This Document Relates To:

THE DEALERSHIP CLASS ACTION

MDL No. 2817

Case No. 18-cv-00864

Hon. Robert M. Dow, Jr.

Magistrate Judge Jeffrey T. Gilbert

**DECLARATION OF PEGGY J. WEDGWORTH IN FURTHER SUPPORT OF
DEALERSHIP COUNTER-DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
ON CDK GLOBAL, LLC'S COUNTERCLAIMS**

I, Peggy J. Wedgworth, Esq., pursuant to 28 U.S.C. § 1746, hereby declare:

1. I am a partner at Milberg Phillips Grossman LLP, and I represent Dealership Class Plaintiffs, including Counter-Defendants ACA Motors, Inc., d/b/a Continental Acura; Baystate Ford Inc.; Cherry Hill Jaguar; Cliff Harris Ford, LLC, d/b/a Warrensburg Ford; Continental Autos, Inc., d/b/a Continental Toyota; Continental Classic Motors, Inc., d/b/a Continental Autosports; 5800 Countryside, LLC, d/b/a Continental Mitsubishi; HDA Motors, Inc., d/b/a Continental Honda; H & H Continental Motors, Inc., d/b/a Continental Nissan; JCF Autos LLC, d/b/a Stevens Jersey City Ford; Jericho Turnpike Sales LLC, d/b/a Ford & Lincoln of Smithtown; Marshall Chrysler Jeep Dodge, L.L.C., d/b/a Marshall Chrysler Jeep Dodge Ram; Naperville Zoom Cars, Inc., d/b/a Continental Mazda; NV Autos, Inc., d/b/a Continental Audi; Patchogue 112 Motors, LLC, d/b/a Stevens Ford; Waconia Dodge, Inc.; Warrensburg Chrysler Dodge Jeep, L.L.C., d/b/a Warrensburg Chrysler Dodge Jeep Ram Fiat (collectively, "Dealership Counter-Defendants"), as Dealership Interim Lead Class Counsel and MDL Co-Lead Counsel, in the above-captioned matter. I respectfully submit this declaration in further support of Dealership Counter-Defendants'

Motion for Summary Judgment on CDK Global, LLC's Counterclaims.

2. I have personal knowledge of the matters set forth herein, and could and would testify competently thereto if called upon to do so.

3. Attached hereto as Exhibit ZZZ is a true and correct copy of a August, 14 2020 email from Daniel Fenske to Peggy J. Wedgworth.

4. Attached hereto as Exhibit AAAA is a true and correct copy of a document produced in this litigation Bates-stamped CDK-0726082 to 086, which has been marked as Plaintiffs' Exhibit (PX) 251.

5. Attached hereto as Exhibit BBBB is a true and correct copy of a document produced in this litigation Bates-stamped CDK-2997294 to 299.10, which has been marked as Plaintiffs' Exhibit (PX) 854.

6. Attached hereto as Exhibit CCCC is a true and correct copy of the website for Fresh Beginnings, located at <https://freshbeginnings.com/our-story/>, last accessed August 26, 2020.

7. Attached hereto as Exhibit DDDD is a true and correct copy of a document produced in this litigation Bates-stamped CDK-1330909.

8. Attached hereto as Exhibit EEEE is a true and correct copy of selected excerpts from the transcript of the deposition of Tony Graham, dated April 26, 2019.

9. Attached hereto as Exhibit FFFF is a true and correct copy of a document produced in this litigation Bates-stamped CONTINENTAL0002248 to 252.

10. Attached hereto as Exhibit GGGG is a true and correct copy of a document produced in this litigation Bates-stamped CONTINENTAL0002844 to 845.

11. Attached hereto as Exhibit HHHH is a true and correct copy of a document produced in this litigation Bates-stamped CLIFF_HARRIS0002103 to 211.

12. Attached hereto as Exhibit IIII is a true and correct copy of the Complaint filed in *TAS Distributing Co. Inc., v. Cummins Engine Co. Inc.*, Case No. 03-1026, filed in the United States District Court for the Central District of Illinois on February 3, 2003.

13. Attached hereto as Exhibit JJJJ is a true and correct copy of selected excerpts from the transcript of the deposition of Kevin Distelhorst, dated November 16, 2018.

14. Attached hereto as Exhibit KKKK is a true and correct copy of selected excerpts from the transcript of the deposition of Edward M. Stroz, dated January 23, 2020.

15. Attached hereto as Exhibit LLLL is a true and correct copy of the Supplemental Expert Rebuttal Report of Seth Nielson, Ph.D., dated December 9, 2019.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Birmingham, Alabama, this 28th day of August, 2020.

/s/ Peggy J. Wedgworth

Peggy J. Wedgworth

CERTIFICATE OF SERVICE

I, Peggy J. Wedgworth, an attorney, hereby certify that on August 28, 2020, I caused a true and correct copy of the foregoing **DECLARATION OF PEGGY J. WEDGWORTH IN FURTHER SUPPORT OF DEALERSHIP COUNTER-DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON CDK GLOBAL, LLC'S COUNTERCLAIMS** to be filed and served electronically via the Court's CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Peggy J. Wedgworth

Peggy J. Wedgworth

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